

# **EXHIBIT A**

## National Prescription Opiate Litigation Meeting

## Regarding Continuing Discovery Disputes

January 10th, 2019



Western Reserve Building  
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1	information, contrary to what Bratton said,	1	ability to do, there is nothing in play that
2	then you've got a real problem, and I'm talking	2	you would go and look at for these 6, 7,000
3	about summary judgment in their favor problem.	3	pharmacies around the country, which you would
4	MS. DESH: Okay. So I'm just	4	think that Walgreens would have. So the fact
5	trying to figure out exactly how we address	5	that a witness comes in and says, no, this
6	this issue based on the record that we have,	6	isn't what we use, our ability to cross-examine
7	and as you've said, it's important to draw a	7	witnesses is awfully convenient with the
8	line between the dispensing and distribution	8	absence of manuals and policies and procedures.
9	information.	9	SPECIAL MASTER COHEN: Here's
10	SPECIAL MASTER COHEN: Again,	10	where I come down on this. Given what Sharon
11	this can be made difficult or not. It's not	11	just said, and given what the Plaintiffs have
12	that difficult. The question is fairly simple.	12	done in the Track One jurisdictions with their
13	Were decisions made on whether an order is	13	claims and their agreement in CMO-1 as to what
14	suspicious, or once identified as suspicious,	14	they wanted, I'm going to stand pat right now
15	whether to ship it, based on dispensing	15	on this. It may play out differently in Track
16	information?	16	Two because different claims may be made.
17	Dispensing information includes whether a	17	Maybe you come back and get stuff that right
18	prescriber was a high-volume prescriber. If	18	now you don't have yet because there are
19	that data was collected, identified and used to	19	different issues.
20	determine anything about shipping an order, it	20	What I believe I've heard is, from
21	needs to be produced.	21	Sharon, is that we produced information about
22	MS. DESH: And we have produced	22	high prescribers, and we produced everything
23	the documents from the custodial files of the	23	that has to do with high prescribers when that
24	Rx Integrity group that includes high	24	information was used by Rx Integrity or any
25	prescribers when they're talking about this,	25	other department at Walgreens that was making a

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1	and we've also produced additional documents on	1	decision as to whether to ship an order.
2	top of that identifying high prescribers in	2	That's what I'm hearing. That's what she said.
3	connection with the IMS data. So based on our	3	I'm going to take her at her word.
4	review, to the extent that this was used, we	4	If it turns out in continued discovery,
5	believe that we have produced that information.	5	and I'm saying this for your benefit, of
6	SPECIAL MASTER COHEN: Very good.	6	course, in West Virginia when perhaps there are
7	MR. MOUGHEY: Could I go back to	7	prescriber claims made, and therefore, you
8	the question you asked? The question you asked	8	might get some additional information, that
9	was, are there policies and procedures written	9	that's not true, then we'll deal with that.
10	down in some sort of a manual or formal	10	MR. MOUGHEY: Okay.
11	fashion.	11	MR. SHKOLNIK: Unfortunately, I
12	SPECIAL MASTER COHEN: You said	12	have to try a case here in this county.
13	there isn't, and she said she's not sure.	13	SPECIAL MASTER COHEN: I get it.
14	MR. MOUGHEY: Fine. So the	14	But I have to make that ruling, first of all,
15	witness comes in and says, no, we're using this	15	based on Sharon's representations, and second
16	as dispensing data. I'm dispensing. I took my	16	of all, as I've said repeatedly, what it is the
17	distributor suspicious order monitoring policy	17	Plaintiffs have said about dispensing in this
18	hat off, and I'm just doing my dispensing side	18	case. So you need to go to the next topic.
19	data today.	19	MR. MOUGHEY: The previous order,
20	In order for us to be able to	20	with the understanding of what's in the
21	cross-examine these witnesses since there isn't	21	database and what fields there are and how far
22	a checklist as to what to use for a manual --	22	back it goes, I'm assuming this is --
23	or I'm sorry, for an override, or do we	23	SPECIAL MASTER COHEN: That can
24	increase the thresholds, do we turn the store	24	still touch on dispensing.
25	off the algorithm system, which they had the	25	MR. MOUGHEY: Pardon me?

